



**Senate Bill No. 1133:  
AN ACT LIMITING A FINDING OF NEGLECT OR RISK OF INJURY TO A CHILD  
IN CERTAIN CIRCUMSTANCES**

**March 3, 2023  
Judiciary Committee**

Distinguished Members of the Judiciary Committee:

My name is Jennifer Messina, and I am a student legal intern with the Center for Children's Advocacy. The Center, affiliated with the University of Connecticut School of Law, is the largest children's legal rights organization in New England. Our mission is to promote and protect the legal rights and interests of Connecticut's most vulnerable children and young adults who are dependent upon the judicial, child welfare, health, education, and juvenile justice systems. The Center provides holistic legal services to these young people through individual representation, systemic advocacy, education, and training.

**The Center for Children's Advocacy supports S.B. 1133: An Act Limiting a Finding of Neglect or Risk of Injury to a Child in Certain Circumstances**, as this bill would allow parents to exercise reasonable discretion to determine when their children can participate in certain independent activities without the fear of being prosecuted for neglect. S.B. 1133 protects children and parents but still lets them make independent family decisions to promote their children's growth and development.

The public has an understanding that the state should not intervene in family life unless a parent's actions cause a serious risk of harm to the child. As the law stands today, however, it is possible for a parent to be labeled neglectful if the decision is made that a child is exposed to "circumstances or associations injurious to the well-being of the child."<sup>1</sup> This may impact children's freedom to occupy public spaces and play independently if parents fear they will be accused of neglect for deciding their child is mature enough to engage in unsupervised, age-appropriate activities for reasonable periods of time.

Over the past several years, while children have had less access to opportunities to play and interact with their peers and foster their independence, children's mental health has also continuously declined. Data shows that rates of depression and anxiety disorder among young people are roughly eight (8) times what they were several decades ago, when free play and

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<sup>1</sup> For the full definition of "neglect," see CONN. GEN. STATS. § 46b-120(4) (2021).

independence were promoted.<sup>2</sup> While there are many impediments to children going outdoors to play and explore in our society today, one of the most significant is a fear parents have that they will be alleged as neglectful if their child is found unaccompanied by an adult in a public space.

If parents were allowed to make family decisions and determine on their own when their child is of “sufficient maturity” to avoid substantial risk of harm, this would reduce fear on the part of parents while helping to restore the freedom children need for their healthy physical and emotional development.

S.B. 1133 can help reestablish the balance between the freedom to be a child and the responsibility of parents to protect their children. Neglect laws can sweep unassuming parents into child protection proceedings, forced to defend themselves from unwarranted allegations. Parents may find themselves the targets of hotline calls made by anonymous individuals who disapprove of seeing children walk alone outdoors and believe calling DCF to be the answer to this. Subsequent investigations can have devastating impacts on families, even if the allegations are ultimately unfounded and no legal proceedings ensue. Specifically, this disproportionately impacts children living in lower-income neighborhoods where houses may be more densely packed and neighbors may not be as familiar with one another.

DCF has important work to do. Children who are truly endangered in their homes need to receive social service protection. By specifying that independent activities are protected against neglect judgments, DCF employees may be able to more quickly and summarily limit investigations that lack merit so they can concentrate on cases that truly demand their attention.

On February 9, 2023, the Department of Health and Human Services released its annual child maltreatment report.<sup>3</sup> The report reveals that of the nationally estimated 3,016,000 children who were the subject of a child welfare agency response in fiscal year (FY) 2021, an estimated 600,000 children—approximately twenty percent (20%)—were determined to be victims of maltreatment. This is the lowest number of children identified as victims of maltreatment in the last five years. While this is certainly good news, that is an extraordinary number of unsubstantiated claims.

Many parents remain fearful of letting their children engage in unsupervised activities for reasonable periods of time because they simply do not know where the line between lawful decisions and unlawful ones lie. S.B. 1133 would help clarify that Connecticut children have the flexibility to do everyday activities such as walking or bicycling to or from school, playing outdoors, or traveling to and from nearby recreational facilities. By tightening the definition of

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<sup>2</sup> Peter Gray, *The Decline of Play and the Rise of Psychopathology in Childhood and Adolescence*, 3 AMERICAN J. OF PLAY 443–63 (2011).

<sup>3</sup> *New Child Maltreatment Report Finds Child Abuse and Neglect Decreased to a Five-Year Low*, ADMINISTRATION FOR CHILDREN & FAMILIES (Feb. 9, 2023), <https://www.acf.hhs.gov/media/press/2023/new-child-maltreatment-report-finds-child-abuse-and-neglect-decreased-five-year#:~:text=The%20report%20reveals%20that%20of,in%20the%20last%20five%20years.>

neglect to be more specific, families will have the option, if they so choose, to make decisions and provide their children with opportunities to grow their independence.

For these reasons, the Center for Children's Advocacy supports the passage of S.B. 1133.

Respectfully submitted,

/s/

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